

**Amendment to the Claims:**

The listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (currently amended): A promoter comprising the following DNA (a) or (b), characterized in that it is capable of functioning in plant cells:

(a) DNA comprising the nucleotide sequence shown in SEQ ID No:1 ~~or~~ ~~SEQ ID No:7~~, or

(b) DNA comprising a nucleotide sequence in which one or more bases are deleted, substituted, or added in the nucleotide sequence shown in SEQ ID No:1 ~~or~~ ~~SEQ ID No:7~~, and which has more than 90% identity to the nucleotide sequence of any region consisting of 250 bp or more within the nucleotide sequence shown in SEQ ID No:1 ~~or~~ ~~SEQ ID No:7~~, which ~~comprises~~ contains the nucleotide sequence shown in SEQ ID No:24, wherein said DNA has promoter functions equivalent to those of the above DNA (a).

Claim 2 (original): A terminator comprising the following DNA (a) or (b), characterized in that it is capable of functioning in plant cells:

(a) DNA comprising a nucleotide sequence shown in SEQ ID No:2, or

(b) DNA comprising a nucleotide sequence in which one or more bases are deleted, substituted, or added in the nucleotide sequence shown in SEQ ID No:2 and which has more than 90% identity to the nucleotide sequence of any region shown in SEQ ID No:2, wherein said DNA has terminator functions equivalent to those of the above DNA (a).

Claim 3 (previously presented): A chimeric gene comprising a promoter of claim 1 and a desired coding sequence operatively linked to each other.

Claim 4 (previously presented): A chimeric gene comprising a promoter of claim 1, a desired coding sequence, and a terminator of claim 2 operatively linked to each other.

Claim 5 (original): A chimeric gene characterized in that it comprises a promoter of claim 1 and a desired gene linked to each other in the form capable of functioning.

Claim 6 (previously presented): A vector characterized in that it contains a promoter of claim 1 and a desired coding sequence.

Claim 7 (previously presented): A vector characterized in that it contains a promoter of claim 1, a desired coding sequence, and a terminator of claim 2.

Claim 8 (previously presented): A method of producing a transformant comprising introducing into a host cell any one of a promoter of claim 1, a chimeric gene of claim 3 or 4, or a vector of claim 5, 6 or 7.

Claim 9 (previously presented): A non-human transformant comprising any one of a promoter of claim 1, a chimeric gene of claim 3 or 4, or a vector of claim 5, 6 or 7, introduced into a host cell.

Claim 10 (previously presented): A transformant of claim 9 in which the host cell is a microbial cell or a plant cell.

Claim 11 (original): A method of expressing a gene, characterized in that it comprises a step in which a promoter of claim 1 and a desired gene located downstream from said promoter are placed in a host cell, and step in which the desired gene is expressed in the host cell under the control of said promoter.

Claim 12 (original): A method of expressing a gene, characterized in that it comprises a step in which a terminator of claim 2 and a desired gene located upstream from said terminator are placed in a host cell, and a step in which the desired gene is expressed in the host cell under the control of said terminator.

Claim 13 (new): A promoter capable of functioning in plant cells in accordance with claim 1, wherein the promoter comprises the DNA (a).

Claim 14 (new): A promoter capable of functioning in plant cells in accordance with claim 1, wherein the promoter comprises the DNA (b).